United Nations A/64/773

General Assembly

Distr.: General
5 May 2010

Original: English

Sixty-fourth session
Agenda item 111 (h)
Elections to fill vacancies in subsidiary organs and other elections: election of fourteen members of the Human Rights Council

Note verbale dated 28 April 2010 from the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the General Assembly

The Permanent Mission of the Libyan Arab Jamahiriya to the United Nations has the honour to inform you that the Libyan Arab Jamahiriya has presented its candidature to the Human Rights Council of the United Nations for the 2010-2013 term in the elections to be held on 13 May 2010 in New York.

The Permanent Mission has the further honour to inform that the candidature of Libya was endorsed by the African Union Assembly of Heads of State and Governments at the African Union Summit held in Addis Ababa, Ethiopia, from 29 January to 2 February 2010.

In this regard, the Permanent Mission of the Libyan Arab Jamahiriya has the honour to enclose herewith an explanatory note containing commitments and pledges of the Libyan Arab Jamahiriya in promoting and protecting human rights (see annex).

The Permanent Mission of the Libyan Arab Jamahiriya would be grateful if the present note verbale and its annex were circulated as a document of the General Assembly.

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Annex to the note verbale dated 28 April 2010 from the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the General Assembly

Explanatory note

1. The Libyan Arab Jamahiriya is among the countries that fulfil their obligations regarding respect for human rights and the rule of law. It has acceded to and ratified all fundamental human rights conventions. As a member of the United Nations Organization that believes in its capacity to work in cooperation with the international community to ensure the promotion and advancement of human rights, the Libyan Arab Jamahiriya is honoured to announce its decision to stand as a candidate for the Human Rights Council membership. Libya chaired the Human Rights Commission in 2003 and fully contributed to the work of the Commission, thanks to the confidence the Member States placed in it.

2. The Libyan Arab Jamahiriya is fully committed to the promotion and protection of human rights principles at the national, regional and international levels, and advocates a broad concept of human rights that includes, in addition to the well-known human rights, the right to direct participation in public life, the right to development, and the right to live in a world free of nuclear and mass destruction weapons. The Libyan Arab Jamahiriya commits itself to continue working in cooperation with other countries to consolidate this concept in all countries of the world, and to protect these rights in accordance with adopted and existing mechanisms under the Human Rights Council.

I. Recent actions and activities

3. More than ever, the Libyan Arab Jamahiriya has paid great attention to human rights over the past 30 years. During this period, many fundamental laws ensuring legal and judicial protection of these rights were enacted, the National Commission of Human Rights was established, and many civil society organizations started playing an important role in promoting the culture and standards of human rights that were, for the first time, introduced in the educational programmes of colleges and law schools. Moreover, the improvement of prisons' conditions is part of a national advanced programme that ensures the training of judicial police officers in respect of human rights and adopted plans aimed at integrating and rehabilitating prisoners into society after their release.

A. Human rights protection in legislation

4. Human rights protection in legislation includes:

(a) Fundamental legislation;

(b) Other legislations;

(c) International treaties and conventions.

Fundamental legislation

5. Fundamental legislation includes:

(a) Declaration on the Establishment of the Authority of the People (2 March 1977): the Declaration affirms the right of the individual to direct participation in the exercise of power, establishing a system of direct democracy based on the broad participation of all the people in the political and administrative decision-making process as well as in the selection of implementation tools;

(b) Great Green Charter of Human Rights of the Era of the Masses (12 June 1988): the Great Green Charter of Human Rights provides a series of general rights and freedoms such as those expounded in the international conventions, such as political, civil, economic and cultural rights; but what distinguishes this Charter is that it proclaims other rights that were never stated or referred to before, such as the right to life, the right to live in a world free of nuclear weapons and weapons of mass destruction, the right to direct participation and exercise of power, and the right to be partners but not wage workers;

(c) Act No. 20 of 1991, on the promotion of freedom: this Act was inspired by international human rights charters and treaties. Its articles are dedicated to setting forth the guiding principles of international human rights and freedoms. This Act is a fundamental law that also states that all conflicting legislations, including the existing legislation, are amendable; that the rights it proclaims are not subject to statutory limitations and cannot be rendered less effective or be abrogated.

Other legislations

6. Other legislations include civil, commercial and criminal laws dedicated to setting the relationships between individuals as well as relationships between individuals and public or private institutions. These laws were particularly inspired by French and Italian legislations, as well as by Islamic Sharia. At this time, a number of specialized legal commissions are about to scrutinize and review these legislations in order to ensure their compliance with the latest developments in legislations at both the national and international levels.

International treaties and conventions

7. The Libyan Arab Jamahiriya has adopted and acceded to the majority of international human rights conventions, and it is worth mentioning that the legal system in the Libyan Arab Jamahiriya gives priority to international treaties and conventions over national law. Their implementation takes priority in cases of conflicting legislation. This gives greater importance to international conventions and undoubtedly leads to complementarities in the legislative protection system of human rights and prevents the emergence of breaches in the whole system. Below are some of those conventions:

- International Covenant on Economic, Social and Cultural Rights (15 May 1970)
- International Covenant on Civil and Political Rights (15 May 1970)
- Optional Protocol to the Covenant on Civil and Political Rights (16 May 1989)

- International Convention on the Elimination of All Forms of Racial Discrimination (3 July 1969)
- International Convention on the Suppression and Punishment of the Crime of Apartheid (8 July 1976)
- International Convention against Apartheid in Sports (29 June 1988)
- Convention on the Prevention and Punishment of the Crime of Genocide (16 May 1989)
- Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (16 May 1989)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (16 May 1989)
- Convention on the Elimination of All Forms of Discrimination against Women (16 May 1989)
- Convention on the Rights of the Child (15 April 1993)
- African Charter on Human and People's Rights (26 March 1987)
- Arab Charter on Human Rights (7 August 2006)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (18 June 2004)

B. Judicial protection

8. The Libyan Arab Jamahiriya offers judicial protection for human rights and freedoms through a national judicial system represented by Courts of Justice at a horizontal level everywhere in the country, ranging from the Court of First Instance to the Supreme Court. The Judicial System Act of 2006 provides a series of legal principles, provisions and rules that are in conformity with internationally accepted standards for fair trials, including in particular:

(a) The independence and neutrality of the judge;

(b) The guarantee, for all individuals without discrimination, of the right to access to justice;

(c) The multi-level judicial system;

(d) Public trial sessions;

(e) The right to be assisted by a lawyer.

C. Prisons

9. The existing law on prisons in the Libyan Arab Jamahiriya is considered one of the most modern laws in the world. The prisons are called "reform and rehabilitation institutions". The aim of those institutions is to rehabilitate and reintegrate prisoners into society after their release. The main provisions stated in the law are:

(a) Prisons are divided into different categories: principal prisons, local prisons, special open prisons and semi-open prisons;

(b) Prisoners are classified and dispatched in prisons according to the nature of their crime;

(c) Classification is related to the age of the prisoner;

(d) It is explicitly stated that no individual is accepted into prison without a judicial decision;

(e) Separation of preventative detainees from sentenced prisoners;

(f) Separation of female prisoners from male prisoners;

(g) Pregnant women are detained in social care institutions;

(h) The right to exercise a remunerated activity in or outside the institution;

(i) The right to education;

(j) The right to health and social care, to receive visitors and to keep up correspondence;

(k) Prisons are submitted to judicial control and placed under the administrative authority of the Ministry of Justice.

D. National Commission of Human Rights

10. The National Commission of Human Rights was established in 2008. It is a national institution that operates in accordance with the Paris Principles. It enjoys total administrative and financial independence from the State. It is composed of committed experienced specialists in the human rights field. The Commission aims at promoting human rights and law enforcement with adequate transparency. In this respect, the Commission cooperates with United Nations organizations and related institutions in other countries, and examines complaints submitted by authors for any alleged human rights violations.

E. Woman and child

11. The Libyan Arab Jamahiriya pays great attention to women and children, considering that the woman is the pillar of the family, which constitutes the nucleus of society, and that today's children are tomorrow's citizens. This consideration stems primarily from Islamic Sharia, which dignifies women, elevates their status and promotes their rights. The Libyan Arab Jamahiriya has ratified all conventions on women's and children's rights. At the domestic level, the Libyan Arab Jamahiriya adopted Act No. 10 of 1984, on the provisions of marriage and divorce, which guarantees the rights of the woman. This law considers that a marriage is legal only with the consent of the two parties, and that a divorce is valid only if confirmed before a tribunal.

12. Regarding the right of the child, the Libyan Arab Jamahiriya supported United Nations General Assembly resolution 1386 (XIV), entitled "Declaration of the Rights of the Child", and adopted the Charter on the Rights of the Arab Child. The Libyan Arab Jamahiriya also adopted Act No. 5 of 1997, which secures the

protection and the promotion of the rights of the child, a process which gave birth to the High Commission for Childhood.

II. Declaration of commitments

13. If the Libyan Arab Jamahiriya is elected a member of the Human Rights Council, it will contribute, with other members, to make the Council more efficient and transparent, and to keep it away from politicization, in order to support and protect human rights everywhere in the world in accordance with international conventions and instruments.

14. The Libyan Arab Jamahiriya will more particularly:

(a) Contribute and work through regional human rights mechanisms, especially as a member State of the League of Arab States, the African Union, the Organization of the Islamic Conference and the Non-Aligned Movement, to advance and promote human rights;

(b) Lend its support to the Office of the United Nations High Commissioner for Human Rights in accordance with its mechanisms and cooperate with the Office to facilitate the achievement of its tasks in the field of human rights;

(c) Commit itself to strengthening cooperation and to establishing a constructive dialogue with all civil society organizations and non-governmental organizations active in the field of human rights at national, regional and international levels, and to maintaining a sustainable network to promote protection capacities and implementation of human rights, in consideration of the important role and efficiency of these organizations in that field;

(d) Exert every effort to realize and display the right to development as a fundamental right for all, which will be possible only if an agreement is reached on the creation of a legally binding international standard for all States to enforce the law in development through productive cooperation and serious dialogue among all Member States;

(e) Commit itself to continuing the support of the United Nations programmes that play an important role in the protection of human rights, and to cooperating with the Organization in the world;

(f) Cooperate fully with all Member States of the Untied Nations, particularly with Member States of the Human Rights Council, in order to support and promote the work of the Council and to facilitate the achievement of the tasks set forth under its mandate, taking into account the principles of impartiality and objectivity, and keeping away from any selective approach regarding the comprehensive universal periodic review mechanism;

(g) Cooperate with Member States to ensure the necessary protection of international human rights instruments and related conventions.